

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

| | | |
|-----------------|---|-------------------------|
| TALITHA KINCADE |) | |
| BROUGHTON, |) | |
| |) | CAFN: 1:22-cv-04229-ELR |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| WALMART, INC., |) | |
| |) | |
| Defendant. |) | |

**WALMART, INC.'S FIRST UPDATED
DISCLOSURE OF EXPERT WITNESS**

COMES NOW, Defendant WALMART, Inc. (“Walmart”), and files its First Updated Disclosure of Expert Witness pursuant to Fed. R. Civ. P. 26(a)1)(A), 26(a)(2)(B) and Local Rule 26.2(c) as follows:

1.

Defendant shall rely on the expert testimony of:

Dr. George Lee Cross, III, MD
5085 Falcon Chase Lane
Atlanta, Georgia 30342-2180
(404) 562-1554

Curriculum Vitae attached as Exhibit “A” per Fed. R. Civ. P.

26(a)(2)(B)(iv). Dr. Cross is prepared to testify that Plaintiff did not suffer any

acute structural injury as a result of the subject incident, that her behavior following the subject incident was not consistent with the behavior of someone who suffered an acute disc herniation, and that Plaintiff's injuries and conditions pre-existed the subject incident.

2.

Per Fed. R. Civ. P. 26(a)(2)(B)(i)(ii) and (iii), Dr. Cross' preliminary disclosure report regarding his review of Plaintiff's records is attached as Exhibit "D." Facts and data relied upon are listed in the report. Dr. Cross' opinions, observations, and findings are incorporated by reference herein.

3.

A list of testimony provided by Dr. Cross for the past four years is attached as Exhibit "B" per Fed. R. Civ. P. 26(a)(2)(B)(v).

4.

Per Fed. R. Civ. P. 26(a)(2)(B)(iv), Dr. Cross has submitted invoices totaling \$4,500.00. Dr. Cross' invoices are attached as Exhibit "C."

5.

Defendant supplements its Initial Disclosures, specifically No. 6 and Attachments A and B. Per this disclosure, Defendant identifies Dr. George Lee

Cross, III, MD. as an expert witness and incorporates all exhibits attached to this disclosure as part of its Rule 26 Disclosures.

Respectfully submitted this 29 of February, 2024.

WALDON ADELMAN CASTILLA
MCNAMARA & PROUT

/s/ Matthew J. Hurst
Matthew J. Hurst
Georgia Bar No. 480267
Attorney for Walmart, Inc.

900 Circle 75 Parkway
Suite 1040
Atlanta, Georgia 30339
(770) 953-1710
mhurst@waldonadelman.com

CERTIFICATE OF COMPLIANCE

The undersigned hereby certify that the foregoing PLEADING complies with the font and point selections approved by the Court and Local Rule 5.1B. The foregoing pleading has been prepared in 14 point Times New Roman font.

This 29 of February, 2024.

WALDON ADELMAN CASTILLA
MCNAMARA & PROUT

/s/ Matthew J. Hurst
Matthew J. Hurst
Georgia Bar No. 480267
Attorney for Walmart, Inc.

900 Circle 75 Parkway
Suite 1040
Atlanta, Georgia 30339
(770) 953-1710
mhurst@waldonadelman.com

CERTIFICATE OF SERVICE

The undersigned further certifies that they have this date served upon counsel for all parties in the foregoing matter a copy of the foregoing DEFENDANT'S FIRST UPDATED DISCLOSURE OF EXPERT WITNESS with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all attorneys of record as follows:

Christopher S. Harris, Esq.
Harris & Harris, LLC.
P.O. Box 679
Palmetto, Georgia 30268
Harrisandharrislaw@gmail.com

This 29 of February, 2024.

WALDON ADELMAN CASTILLA
MCNAMARA & PROUT

/s/ Matthew J. Hurst
Matthew J. Hurst
Georgia Bar No. 480267
Attorney for Walmart, Inc.

900 Circle 75 Parkway
Suite 1040
Atlanta, Georgia 30339
(770) 953-1710
mhurst@waldonadelman.com